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STATE BOARD OF HEALTH  
BUREAU OF VITAL STATISTICS

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LAW FOR THE

# REGISTRATION OF VITAL STATISTICS IN CALIFORNIA



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1905.

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# LAW FOR THE REGISTRATION OF VITAL STATISTICS IN CALIFORNIA.

## POLITICAL CODE.

### Part III—Of the Government of the State.

### Title VII—General Police of the State.

#### CHAPTER III—REGISTRATION OF VITAL STATISTICS.

##### REGISTRATION OF BIRTHS AND MARRIAGES.

- § 3074. State bureau of vital statistics. Duty of registrar.
- § 3075. Statistician, appointment, term of office and salary.
- § 3076. Registry of marriages performed.
- § 3077. Registry of births.
- § 3078. Duty of county recorder and health officer. Report to state registrar.
- § 3079. Fee of recorder and health officer.
- § 3080. State registrar to prepare blank form and instructions.
- § 3081. State registrar may require further information.
- § 3082. Penalty for failure to perform duty.
- § 3083. State registrar to furnish certified copy of records, which is prima facie evidence.

§ 3074. The state board of health shall maintain, at the city of Sacramento, a bureau of vital statistics for the complete and proper registration of births, marriages and deaths, for legal, sanitary and statistical purposes, which bureau shall be under the supervision of the secretary of the state board of health, who shall be ex-officio state registrar of vital statistics, and whose duty it shall be, after consultation with the state board of health, to promulgate and enforce all necessary rules and regulations that may be required to carry out the provisions of this chapter. (As amended, Stats. 1905, Ch. CX.)

State board  
of health.

Bureau of  
vital  
statistics.

State  
registrar,  
duty of.

§ 3075. The state board of health shall appoint a competent statistician to assist the state registrar of vital statistics and such clerical and professional assistants as may be required for the proper discharge of the duties of said registrar. Said statistician shall also be an assistant to the secretary of the state board of health. The statistician so appointed shall hold office at the pleasure of the board and shall receive an annual salary of eighteen hundred dollars payable out of the general fund of the state from money not otherwise appropriated at the time and in the manner in which state officers are paid. The compensation for clerical and professional assistants shall be fixed by the

Statisti-  
cian,  
appoint-  
ment of.

Term of  
office and  
salary of  
statisti-  
cian.

Assistants  
and clerks.

60538



board and shall be payable from its fund for contingent expenses provided in the general appropriation act. (As amended, Stats. 1905, Ch. CX.)

Registry of  
marriages  
performed.

§ 3076. All persons who perform the marriage ceremony in this state shall within three days after the ceremony file with the county recorder a certificate of registry of the marriage performed by them in such form as may be prescribed by the state registrar which shall contain among other matters as near as can be ascertained, the place and date of marriage, sex, race, color, age, name and surname, birthplace, residence of the parties married, number of marriage and condition of each, whether single, widowed, or divorced, the occupation of the parties, maiden name of the female, if previously married, the names and birthplace of the parents of each and the maiden name of the mother of each. (As amended, Stats. 1905, Ch. CX.)

Registry of  
births.

§ 3077. Physicians, midwives, nurses and other persons assisting at a birth shall return in writing within five days thereafter to the county recorder of the county where such birth takes place in such form as may be prescribed by the state registrar a certificate of registry of such birth which shall contain among other matters, the time and place of such birth, name, sex, race and color of the child, the name, residence, age, birthplace and occupation of the parents and the maiden name of the mother, and whether born in or out of wedlock, and such other information as may be required by the state registrar; *provided, however*, that in cities having a freeholders charter the health officer shall act as local registrar and perform all the duties thereof. In case the child is not named the recorder or registrar of such locality shall deliver to such parent, next of kin, physician, midwife or other person furnishing such certificate of birth a supplementary blank for report of given name, which shall be filled out and returned as soon as the child shall be named. In case there shall be no physician, midwife, or nurse attending at such birth, then, it shall be the duty of the parents of any child born in this state (and if there be no parent alive, then the next of kin of said child) within ten days after such birth to report in writing to the recorder of the county or health officer of cities having a freeholders charter where such birth takes place, in such form as may be prescribed by the state registrar, the date, place and residence, name, sex, race, and color of such child, and the names, residence, birthplace and age of the parents, their occupations, and the maiden name of the mother, and whether born in or out of wedlock, and such other information required by the state registrar. (As amended, Stats. 1905, Ch. CX.)

Local  
health offi-  
cer to act as  
registrar,  
when.

Registry of  
births,  
duty of  
parent.

County  
recorder,  
duty of.

§ 3078. It shall be the duty of every county recorder to receive without fee or charge each certificate of registry of marriage and birth; *provided, however*, that in cities having a freeholders charter the health officer shall act as local

RECEIVED

registrar for births, and shall receive, without fee or charge, each certificate of birth and enter the same in the same manner as provided for the county recorder; to enter the same in separate registers to be known as the "Register of Marriages," and the "Register of Births," in separate columns, properly headed, the various facts contained in the certificates and the name and official or clerical position of the person making the report. The recorder or health officer must carefully examine each report, and register the same marriage, or birth but once, although it may be reported by different persons. The certificates shall be numbered by him and entered in the order in which they are reported to him. On or before the fifth day of each month each recorder, or health officer, shall transmit by United States mail, carefully inclosed in appropriate envelopes or wrappers, addressed to the state registrar at Sacramento, or shall personally deliver to him at his office in Sacramento, on or before the fifth day of each month, the original certificates of births and marriages filed with him during the preceding month, and shall accompany said certificates with a brief statement of the number of such certificates, and the dates of their receipt. The state registrar shall thereupon file said original certificates of marriage and births, and cause the same to be separately and systematically indexed. (As amended, Stats. 1905, Ch. CX.)

Duty of health officer.

Report to state registrar by recorder and local health officer.

Original certificates of marriages and births, filing of.

§ 3079. For their services as required by section 3078 of this code, county recorders, or health officers of cities having a freeholders charter, shall, in addition to their compensation for the other duties of their office, be allowed by the board of supervisors, ten cents for each name registered and reported to the state registrar, which sum shall be paid out of the general fund of the county upon warrants issued quarterly and signed by the county auditor and approved by the state registrar, which warrants shall specify the number of certificates of marriages and births properly registered and filed with the state registrar. (As amended, Stats. 1905, Ch. CX.)

Fee of recorder and health officer.

§ 3080. The state registrar shall prepare a sample form and blank for use in registering, recording and preserving the reports of marriages and births, and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration, and no other forms of blanks shall be used than those prescribed by the state registrar. Printed blanks in the form prescribed by the state registrar for the registration of marriages and births shall be furnished to each recorder or health officer by the board of supervisors of each county or city and county in sufficient quantities, and each recorder or health officer shall furnish without charge a sufficient number of copies to each applicant upon whom is imposed

State registrar to prepare blank form and instructions.

Supervisors to furnish printed blanks.

Recorder and health officer to furnish blanks to applicants.



the duty of certifying to a marriage or birth. (As amended, Stats. 1905, Ch. CX.)

When right  
of state  
recorder  
to  
correction.

Deposition  
shall be  
furnished  
state and  
county  
recorder.

Deposition  
received  
when facts  
are not  
correctly  
stated.

Corrected  
state-  
ments.

Penalty for  
failure to  
perform  
duty.

State regis-  
trar to  
furnish  
certified  
copy of  
records.

§ 3081. The state registrar shall carefully examine the certificates of marriages and births received monthly from the county recorder or health officers, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record satisfactory. All physicians, clergymen, judges, midwives, nurses, parents, or other informants upon whom the duty is imposed of certifying to marriages or births, and all other persons having knowledge of the facts, are required to furnish such information as they may possess regarding any marriage or birth upon demand of the state registrar, in person by mail or through the local recorder. Whenever it may be alleged that the facts are not correctly stated in any certificate of marriage or birth theretofore registered, the county recorder shall require a deposition under oath to be made by the person asserting the fact, to be supported by the depositions of two or more credible persons having knowledge of the facts, setting forth the change necessary to make the record correct. Having received such depositions, he shall file them and shall then draw a line through the incorrect statement or statements in the certificate, without erasing them, and make the necessary corrections, noting on the margin of the certificate his authority for so doing, and transmit the deposition, attached to the original certificate, when making his regular monthly returns to the state registrar. If the correction relates to a certificate previously returned to the state registrar, he shall transmit the deposition forthwith to the state registrar. If the correction is first made upon the original certificate on file in the state bureau of vital statistics, the state registrar shall immediately transmit a certified copy of the original certificate, corrected as above, to the county recorder, who shall thereupon substitute such certified copy for the copy of the certificate in his records. All such corrections and marginal notes referring to them shall be legibly written in ink, type-written or printed. (As amended, Stats. 1905, Ch. CX.)

§ 3082. Any officer or person upon whom a duty is imposed under this chapter who fails, neglects or refuses to perform any of the duties imposed upon him under this chapter or by the instructions and directions of the state registrar shall be deemed guilty of a misdemeanor and upon conviction shall be punished in the same manner as other misdemeanors provided in the Penal Code. (As amended Stats. 1905, Ch. CX.)

§ 3083. The state registrar shall upon request furnish any applicant a certified copy of the record of any marriage or birth registered under the provisions of this chapter, for the making and certification of which he shall be entitled to a fee of fifty cents to be paid by the applicant. Any such copy of the record of a marriage or birth when properly



certified by the state registrar to be a true copy thereof shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant. And the state registrar shall keep a true and correct account of all fees by him received under these provisions and shall deposit all fees with the state treasurer. (As amended, Stats. 1905, Ch. CX.)

Certified  
copy prima  
facie  
evidence.

#### REGISTRATION OF DEATHS.

§ 3084. (Repealed, Stats. 1905, Ch. CX. Superseded by Stats. 1905, Chs. CXIX and CCCXLVI.)

##### STATUTES 1905, CHAPTER CXIX.

- SEC. 1. State bureau of vital statistics.
- SEC. 2. State divided into districts for registration of deaths.
- SEC. 3. Registrars of districts. Deputy local registrar. Sub-registrars.
- SEC. 4. Permit from local registrar before burial.
- SEC. 5. Stillborn children registered as deaths.
- SEC. 6. Certificate of death. Contents.
- SEC. 7. In case death occurs without medical attendance.
- SEC. 8. Undertaker responsible for certificate of death.
- SEC. 9. Local registrar to supply blanks. Duty of local registrar.
- SEC. 10. If interment be made in district where death occurred, duty of registrar.
- SEC. 11. Duty of sexton or other person in charge of burial ground.
- SEC. 12. State registrar to prepare blank forms for all registrars. Index of deaths.
- SEC. 13. Corrections in certificate, how made.
- SEC. 14. Fee of local registrar.
- SEC. 15. State registrar to furnish certified copy of records. Fees.
- SEC. 16. Physicians and undertakers to register with local registrar.
- SEC. 17. Penalties for neglect by attending physician, undertaker, registrars and violation of act by common carrier.
- SEC. 18. Local registrars charged with the enforcement of law.

##### STATUTES 1905, CHAPTER CCCXLVI.

- SEC. 1. Duties of city clerk and recorder in relation to registration of deaths, etc.

STATUTES 1905, CHAPTER CXIX.—*An act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this act.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. That department of the state board of health known as the state bureau of vital statistics shall provide for and superintend the complete and proper registration of deaths for legal, sanitary and statistical purposes.

State  
bureau of  
vital  
statistics.



State  
divided  
into dis-  
tricts for  
registra-  
tion of  
deaths.

SEC. 2. That for the purposes of this act the state shall be divided into registration districts as follows: Each city and county, city, and incorporated town, and each county exclusive of the portion included within cities and incorporated towns, shall constitute a primary registration district.

Registrars  
of dis-  
tricts.

SEC. 3. That the recorder of each city and county, county, and the clerk of each city or incorporated town, shall be the local registrar in and for such primary registration district and shall perform all such duties of local registrar as hereinafter provided; *provided however*, that in cities having a freeholders charter the health officer shall act as local registrar and perform all the duties thereof. Each local registrar shall immediately appoint in writing, a deputy who shall be authorized to act in his stead in case of absence, death, illness or disability and when it may appear necessary for the convenience of the people in any county, the local registrar is hereby authorized with the approval of the state registrar of vital statistics to appoint one or more proper and competent persons to act as subregistrars, who shall be authorized to receive certificates of death and to issue burial permits or removal permits in and for such portions of the county as may be designated. Each subregistrar shall note in legible writing over his signature the date each certificate of death was filed, and shall forthwith forward the certificate to the local registrar of the county, and in all cases before the eighth day of the following month; *provided*, that all subregistrars shall be subject to the supervision and control of the state registrar of vital statistics.

Deputy  
local  
registrar.

Subregis-  
trars.

Permit  
from local  
registrar  
before  
burial.

SEC. 4. That the body or remains of no person whose death occurs in the state shall be interred, deposited in a vault, grave or tomb, cremated, disinterred or otherwise disposed of, or removed from or into any registration district until a permit for burial, disinterment or removal shall have been properly issued by the registrar of the registration district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him, as hereinafter required; *provided* that in case of any death outside of the state, where the body is accompanied by a removal or transit permit issued in accordance with the law and the health regulations in force where the death occurred, such removal or transit permit shall be accepted as of the same authority as a permit from the local registrar when such removal or transit permit shall have indorsed thereon the written approval of the state registrar of vital statistics, or when said state registrar otherwise officially notifies the local registrar of his approval.

Certificate  
and return  
of death  
filed.

When  
death oc-  
curs out-  
side of  
state.

Stillborn  
children  
registered  
as deaths.

SEC. 5. Stillborn children, or those dead at birth, shall be registered as deaths under this act, and a certificate of death and burial or removal permit in usual form shall be required. The medical certificate of cause of death shall be signed by



the attending physician or midwife, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of utero-gestation in months, if known.

SEC. 6. That the certificate of death shall be of the standard form recommended by the United States Census Office and the American Public Health Association, and shall contain the following items:

Certificate  
of death.

(1) Place of death, including state, county, township or town, city or village. If in a city, the ward, street, and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number.

Contents.

(2) Full name of decedent. If an unnamed child the surname, preceded by "unnamed."

(3) Sex.

(4) Color or race—as white, black (negro or negro descent), Indian, Chinese, Japanese, or other.

(5) Conjugal condition—as single, married, widowed, or divorced.

(6) Date of birth, including the year, month, and day.

(7) Age, in years, months, and days.

(8) Place of birth; state or foreign country.

(9) Name of father.

(10) Birthplace of father; state or foreign country.

(11) Maiden name of mother.

(12) Birthplace of mother; state or foreign country.

(13) Occupation; the occupation to be reported of any person who had any remunerative employment—women as well as men.

(14) Signature and address of informant.

(15) Date of death, including the year, month, and day.

(16) Statement of medical attendance on decedent, fact and time of death, including the time last seen alive.

(17) Cause of death, including the primary and immediate causes, and contributory causes or complications, if any, and the duration of each.

(18) Signature and address of physician or official making the medical certificate.

(19) Special information concerning deaths in hospitals and institutions and of persons dying away from home, including the former or usual residence, length of time at place of death, and place where the disease was contracted.

(20) Place of burial or removal.

(21) Date of burial or removal.

(22) Signature and address of undertaker.

(23) Official signature of registrar with date when certificate was filed and registered number.

The certificate shall be written legibly in permanent black ink, typewritten or printed, and no certificate shall be held to be complete and correct that does not supply all of the items of information specified above or satisfactorily account for the omission of any of said items.

How made  
out.



Authenti-  
cation of.

The personal and statistical particulars (items 1 to 13) or such other items as shall be required by the state registrar shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

Under-  
taker to  
sign.

Medical  
certificate,  
by whom  
signed.

Contents  
of cer-  
tificate.

Cause of  
death  
carefully  
defined.

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such. The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. He shall further state the cause of death so as to show the course of disease or sequence of causes resulting in death, giving the primary and immediate causes, and contributing causes, if any, and the duration of each. Indefinite and unsatisfactory terms indicating only symptoms of disease or conditions resulting from disease will not be held sufficient for issuing a burial or removal permit, and any certificate containing only such terms, as defined by the state registrar, shall be returned to the physician for correction or definition. Causes of death which may be the result of either disease or violence shall be carefully defined; and, if from violence, its nature shall be stated, and whether accidental, suicidal or homicidal. For cause of deaths in hospitals, institutions, or away from home, the physician shall furnish the information required under this head, and shall state where, in his opinion, the disease was contracted. The cause of death and all other facts required shall in all cases be stated in accordance with the instructions and directions of the state registrar.

In case  
death  
occurs  
without  
medical at-  
tendance.

Duty of un-  
dertaker.

Duty of  
coroner.

Duty  
local  
registrar.

Under-  
taker re-  
sponsible  
for cer-  
tificate of  
death.

Duty of un-  
dertaker.

SEC. 7. In case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the registrar of such death, and when so notified the registrar shall refer the case to the coroner for his investigation and certification, and the coroner shall within three days after the inquest furnish the local registrar where such death occurs a certificate in form and substance as required by the state registrar and containing as many of the facts required by this act as can be ascertained. Said local registrar shall then forthwith transmit such certificate to the state registrar, retaining a copy thereof on file in his office.

SEC. 8. The undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar and securing a burial or removal permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the person best qualified to supply them over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the registrar, for the medical certificate of the cause of death and other par-



ulars necessary to complete the record, as specified in the preceding section. And he shall then state the facts required relative to the date and place of burial over his signature and with his address, and present the completed certificate to the registrar within the time limit, if any, designated by the local board of health for the issuance of a burial or removal permit. The undertaker shall deliver the burial permit to the sexton or person in charge of the premises before interring the body, or attach it to the box containing the corpse, when shipped by any transportation company, to accompany same to destination, when it shall be accepted by the sexton as authority for the interment of the body.

SEC. 9. It shall be the duty of the local registrar to supply blank forms of certificates to such persons as require them. He shall carefully examine each certificate when presented for record to see that it has been made out in accordance with the provisions of this act and the instructions of the state registrar, and if any certificate is incomplete or unsatisfactory it shall be his duty to call attention to the defects in the return and to withhold issuing the burial or removal permit until they are corrected. He shall then number them in consecutive order, beginning with number one for the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. If the certificate is properly executed and complete, he shall then issue a burial or removal permit to the undertaker: *provided*, that in case the death occurred from some disease that is held by the state board of health to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under such conditions as may be prescribed by the state and local boards of health. He shall also make a complete and accurate copy of each certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such death, in such manner as directed by the state registrar. He shall, on or before the eighth day of each month, transmit to the state registrar all original certificates registered by him during the preceding month. If no deaths occurred in any month he shall, on or before the eighth day of the following month, report that fact to the state registrar in such manner as the state registrar shall direct.

SEC. 10. If the interment, or other disposition of the body is to be made in the registration district in which the death occurred, the wording of the burial permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him as required by law, permission is granted to inter, remove, or otherwise dispose of the body of the deceased, stating the name, age, sex and cause of death and other necessary details upon the form prescribed by the state registrar.

Local  
registrar to  
supply  
blanks.

Duty of  
local  
registrar.

In case of  
death from  
contagious,  
etc.,  
diseases.

If interment be made in district in which death occurred, duty of registrar.



In case the interment, or other disposition of the body, is to be made in some registration district other than that in which the death occurred, a complete copy of the certificate of death shall be attached to and made a part of the permit.

Duty of sexton or other person in charge of burial ground.

SEC. 11. No sexton or person in charge of any premises in which interments are made shall inter or permit the interment of any body unless it is accompanied by a burial, removal or transit permit as herein provided. Each sexton or person in charge of any burial ground shall indorse upon the permit the date of interment, over his signature, and shall return all permits, so indorsed, to the local registrar of his district within one day from the date of interment. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection.

State registrar to prepare blank forms for all registrars.

SEC. 12. The state registrar shall prepare a sample form and blank for all registrars for use in registering, recording and preserving the returns or in otherwise carrying out the purposes of this act, and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other forms of blanks shall be used than those prescribed by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be furnished as may be necessary to make the record satisfactory. All physicians, informants, or undertakers connected with the case, and all other persons having knowledge of the facts, are hereby required to furnish such information as they may possess regarding any death, upon demand of the state registrar, in person, by mail, or through the local registrar. He shall further arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive index of all deaths registered, showing the name of deceased, place and date of death, number of certificate, and the volume in which it is contained. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable, and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases, and all rules and regulations made by him for carrying out and enforcing the purposes of this act shall, when promulgated, have the same force and effect as if enacted by law.

No other forms of blanks to be used.

Information to be furnished local registrar, by whom.

Index of deaths.

Deposition taken, when.

SEC. 13. Whenever it may be alleged that the facts are not correctly stated in any certificate of death theretofore registered, the local registrar shall require a deposition under oath to be made by the person asserting the fact, to be sup-



ated by the depositions of two or more credible persons having knowledge of the facts, setting forth the changes necessary to make the record correct. Having received such depositions, he shall file them and shall then draw a line through the incorrect statement or statements in the certificate, without erasing them, and make the necessary corrections, noting on the margin of the certificate his authority for so doing, and transmit the deposition, attached to the original certificate, when making his regular monthly returns to the state registrar. If the correction relates to a certificate previously returned to the state registrar, he shall transmit the deposition forthwith to the state registrar. If the correction is first made upon the original certificate on file in the state bureau of vital statistics, the state registrar shall transmit a certified copy of the original certificate, corrected as above, to the local registrar, who shall thereupon substitute such certified copy for the copy of the certificate in his records. All such corrections and marginal notes referring to them shall be legibly written in ink, type-written or printed.

When facts are not correctly stated.

Filing of depositions.

Corrections in certificate, how made.

SEC. 14. Each local registrar shall be entitled to be paid the sum of not exceeding twenty-five cents for each death certificate properly and completely made out and registered with him, and by him returned to the state registrar on or before the eighth day of the following month, which sum shall cover and include the making out of the burial permit and the copy of the certificate to be filed and preserved in his office. And in case no deaths were registered during any month, the local registrar shall be entitled to a sum not exceeding twenty-five cents for each report to that effect, promptly made in accordance with the directions of the state registrar: *provided, however*, that all such compensation for such services shall be fixed by the board of supervisors, city council, or other governing body of such local registration district. All amounts payable to registrars under the provisions of this act shall be paid by the treasurer or other lawful officer, out of the funds of each registration district, upon warrants drawn by the local auditor or other proper local officer of such district, which warrants shall specify the number of certificates properly registered and reports promptly returned where no deaths are registered, with the amount due for each: *provided, however*, that no warrant shall be issued to any local registrar, or, if issued, shall be paid where notice is previously given by the state registrar to the auditor, treasurer or other proper officer of such registration district that the local registrar has failed to comply with the rules and regulations of the state bureau of vital statistics and the instructions of the state registrar.

Fee of local registrar.

Compensation of local registrar, how fixed.

How paid.

SEC. 15. The state registrar shall, upon receipt, furnish any applicant a certified copy of the record of any death registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty

State registrar to furnish certified copy of records.



Fee for certified copy.

Fee for search of records.

Physicians and undertakers to register with local registrars.

Rules furnished by local registrars.

Neglect of attending physician; penalty.

Neglect of undertaker, etc.; penalty.

Neglect of registrars; penalty.

Violation of this act; penalty.

Violation by common carrier; penalty.

cents, to be paid by the applicant. And any such copy of the record of a death, when properly certified by the state registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant. And the state registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the state treasurer.

SEC. 16. Every physician and undertaker, residing in, at the date of this act or thereafter establishing a residence in, any registration district, shall forthwith register his or her name, address, and occupation, with the local registrar of the district in which he or she resides, and they shall thereupon be furnished by the registrar a copy of this act and such rules, regulations, and instructions as may be prepared by the state registrar with relation to their duties under this act.

SEC. 17. If any physician who was in medical attendance upon any deceased person at the time of death shall neglect or refuse to make out and deliver to the undertaker, sexton, or other person in charge of the interment, removal, or other disposition of the body, upon request, the medical certificate of cause of death hereinbefore provided for, or shall willfully or knowingly make a false certification of the cause of death in any case, he shall be deemed guilty of a misdemeanor. If any undertaker, sexton, or other person acting as undertaker shall inter, remove, or otherwise dispose of the body of any deceased person without having received a burial or removal permit as herein provided, he shall be deemed guilty of a misdemeanor. Any registrar, deputy registrar or subregistrar who shall neglect or fail to enforce the provisions of this act in his district, or shall neglect or refuse to perform any of the duties imposed upon him by this act or by the instructions and directions of the state registrar, shall be deemed guilty of a misdemeanor. And any person or persons who shall violate any of the provisions of this act, or shall willfully neglect or refuse to perform any duties imposed upon them by the provisions of this act, shall be deemed guilty of a misdemeanor. Any transportation company or common carrier transporting or carrying, or accepting through its agents or employes for transportation or carriage, the body of any deceased person without an accompanying permit, issued in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars.



SEC. 18. Local registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts under the supervision and direction of the state registrar. They shall make an immediate report to the state registrar of any violations of this law coming to their notice by observation or upon complaint of any person or otherwise. The state registrar shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney or other proper officer of the county or municipality, with a statement of the facts and circumstances, and when any such case is reported to them by the state registrar all prosecuting attorneys or officials acting in such capacity shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations of law.

Local registrars charged with the enforcement of law.

SEC. 19. All acts and parts of acts in conflict or inconsistent with the provisions of this act are hereby repealed.

STATUTES 1905, CHAPTER CCCXLVI.—*An act to amend Chapter I of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and acts amendatory thereof, by adding a new section thereto, to be numbered section 9, relating to the powers and duties of city clerks and city recorders, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter I of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations" approved March 13, 1883, and acts amendatory thereof, is hereby amended by adding a new section thereto, to be numbered section 9 thereof, to read as follows:

Municipal corporations.

Section 9. The city clerk of each municipal corporation and the city recorder of each municipal corporation where there is no city clerk shall have the powers and shall perform the duties of a registrar within such municipality which are prescribed and required by the provisions of an act entitled, "An act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers

City clerk and recorder, duties of in relation to registration of deaths, etc.



and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this act."

SEC. 2. All acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect March 31st, 1905.

## PENAL CODE.

### Part I—Of Crimes and Punishments.

#### TITLE X—OF CRIMES AGAINST THE PUBLIC HEALTH AND SAFETY.

§ 377. Willful violation of registration and health laws.

Willful  
violation  
of regis-  
tration  
and health  
laws.

§ 377. Every person who is charged with a duty relating to the registration of deaths, under chapter three, title seven, of the act to establish a Political Code, approved March twelfth, 1872, and amended March 18 and 20, 1905 (Stats. 1905, Chs. CX, CXIX and CCCXLVI), who—

1. Willfully fails to keep a registry of the name, age, residence, and time of death of a decedent; or,

2. Willfully fails to register with the county recorder a certified copy of such register, as is provided for in said chapter; or,

3. Willfully interrs, cremates, or otherwise disposes of any human body, in any city, county, or city and county, without having first obtained a permit, as provided for in said chapter; or,

4. Willfully grants a permit for the interment, cremation, or disposition of a dead human body, without the certificate provided for in said chapter; or,

5. Willfully violates any of the laws of this state relating to the preservation of the public health;

Is guilty of a misdemeanor, and is, unless a different punishment for such violation is prescribed by this code, punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.



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